

**WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP**  
PATENT AND TRADEMARK ATTORNEYS

BANK ONE CENTER/TOWER  
111 MONUMENT CIRCLE, SUITE 3700  
INDIANAPOLIS, INDIANA 46204-5137  
Main: (317) 634-3456 Fax: (317) 637-7561  
www.uspatent.com

**RECEIVED**  
**CENTRAL FAX CENTER**

OCT 03 2005

**FAX COVER SHEET**

**Date:** Monday, October 03, 2005

**Number of Pages:** Cover sheet plus 23 page(s)

**To:** Commissioner for Patents

**Company:** USPTO

**Your Reference:**

**Fax Number:** 571-273-8300

**From:** John J. Emanuele ([jemanuele@uspatent.com](mailto:jemanuele@uspatent.com))

**Our Reference:** 7037-486

**Comments:**

**CONFIRMATION OF RECEIPT REQUESTED IF CHECKED:**



**ORIGINAL COPY AND ANY ENCLOSURES WILL NOT BE SENT**

**Attached:**

Response to Office Action.

3 pages plus cover sheet.

*If an error occurs during transmission please contact us at: (317) 634-3456*

**THIS MESSAGE IS INTENDED ONLY FOR THE ADDRESSEE(S) IDENTIFIED ABOVE.**

It may contain privileged, confidential, attorney work product, or trade secret information that is exempt from disclosure under applicable laws. If you are not the intended recipient, or an employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this message is strictly prohibited. If you have received this facsimile in error, please notify the sender immediately by telephone and return the facsimile (and all copies) to the sender by mail at the above address. The sender will reimburse you for reasonable expenses incurred. Thank you.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
CENTRAL FAX CENTER

OCT 03 2005

In re patent application of: )  
Richard L. Gregory ) Before the Examiner  
Application No.: 10/828,837 ) Iqbal Hossain Chowdhury  
Filed: April 21, 2004 ) Group Art Unit  
METHODS AND COMPOSITIONS FOR ) 1652  
PROMOTING ORAL HEALTH, AND )  
POLYPEPTIDES USEFUL FOR SAME ) October 3, 2005

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

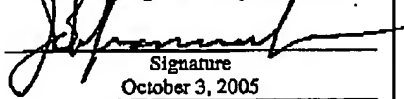
Sir:

In response to the Office Action mailed September 2, 2005, please enter the following response. No extensions of time are believed to be necessary, but if any are deemed to be due, please charge the fees therefore to Deposit Account 23-3030.

I hereby certify that this correspondence  
is being facsimile transmitted to the  
Commissioner for Patents, P.O. Box 1450  
Alexandria, VA 22313-1450 on  
October 3, 2005

Date of Transmission  
John J. Emanuele

Name of Registered Representative



Signature  
October 3, 2005

Date of Signature

In response to the Restriction Requirement, The Applicants hereby elect Group I (claims 1-7, 16 and 17) and the invention of group A, with traverse. The claims of group I are drawn to a method for controlling dental plaque in the oral cavity of a host by using polypeptide murein hydrolase and group A is drawn to SEQ ID No: 6 or a nucleic acid encoding SEQ ID No:6. This election is made with traverse for the reasons outlined below.

Claims 1-42 are pending in the Application. The Action restricted claims 1-42 into groups I through V and further into inventions A (SEQ ID No:6) and B (SEQ ID No: 8). The Action asserts that the claims of these groups are directed to "unrelated, independent and distinct inventions". The Applicants respectfully disagree, independent claim 1 of group I is a method claim that recites, "...administering to the oral cavity of the host an effective amount of a polypeptide having *S. mutans* hydrolase activity against one or more bacterial species ...". Dependent claim 8 of group II (claims 8-11 and 18-23) is a method claim that recites, "...delivering to the oral cavity an oral composition comprising the polypeptide having murein hydrolase activity...". Claims in groups I and II are method claims that recite the use of murein hydrolase and administering the same to the oral cavity. Independent claim 25 of group IV (claims 24-28 and 34-42) recites, "An oral composition ..... an amino acid sequence corresponding to the amino acid sequence SE. ID No. 6 and an orally acceptable carrier". Independent claim 29 of group V (claims 29-33) recites, "... a protein including an amino acid sequence with a 70% identity to SEQ ID No. 6".

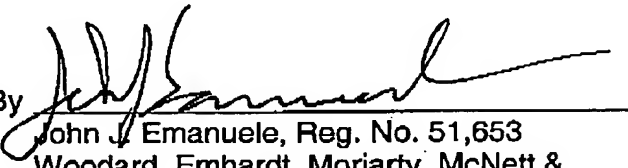
Independent claims of groups I, II, IV and V recite murein hydrolase or murein hydrolase activity or sequences encoding murein hydrolase. Since groups I, II, IV and

V are drawn to murein hydrolase searching for art relate to the claims in groups I, II, IV and V imposes no additional burden on the Office above searching for art related to anyone of these groups of claims. Similarly, SEQ ID Nos. 6 and 8 inventions A and B respectively, both recite molecules that encode hydrolase activity. Therefore, searching for art related to both of these sequences does not imposes a significantly greater burden on the Office than searching for either sequence independently.

Accordingly, the Applicants request that the restriction requirement be modified such that the claims of groups I, II, IV and V and the sequences in groups A and B be searched and examined simultaneously. Action to this end is respectfully requested.

Favorable action and allowance of this application are requested. The Examiner is invited to contact the undersigned attorney by telephone if there are any questions about this submission.

Respectfully submitted,

By   
John J. Emanuele, Reg. No. 51,653  
Woodard, Emhardt, Moriarty, McNett &  
Henry LLP  
Bank One Center/Tower  
111 Monument Circle, Suite 3700  
Indianapolis, Indiana 46204-5137  
(317) 634-3456